



General Assembly

January Session, 2013

Raised Bill No. 6471

LCO No. 3464



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:
(ET)

AN ACT CONCERNING TREE TRIMMING BY UTILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-234 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) As used in this section, "utility clearance zone" means any
4 rectangular area extending horizontally for a distance of ten feet from
5 any outermost electrical conductor and vertically from the ground to
6 the sky, and "hazardous tree" means any tree or part of a tree that is (1)
7 dead, (2) diseased, (3) extensively decayed, or (4) structurally weak
8 which, if it falls, would endanger life or property, including utility
9 infrastructure, facilities or equipment.

10 (b) No [telegraph,] telephone, [or electric light company or
11 association, nor any company or association engaged in distributing
12 electricity by wires or similar conductors or in using an electric wire or
13 conductor for any purpose,] electric or electric distribution company
14 shall exercise any powers which may have been conferred upon it to
15 change the location of, or to erect or place, wires, conductors, fixtures,

16 structures or apparatus of any kind over, on or under any highway or
17 public ground, without the consent of the adjoining proprietors, or, if
18 such company [or association] is unable to obtain such consent,
19 without the approval of the Public Utilities Regulatory Authority,
20 which shall be given only after a hearing upon notice to such
21 proprietors. [; or to cut or trim any tree on or overhanging any
22 highway or public ground, without the consent of the owner thereof,
23 or, if such company or association is unable to obtain such consent,
24 without the approval of the tree warden or the consent of the
25 authority, which consent shall be given only after a hearing upon
26 notice to such owner; but the authority] The Public Utilities Regulatory
27 Authority may, if it finds that public convenience and necessity
28 require, authorize the changing of the location of, or the erection or
29 placing of, such wires, conductors, fixtures, structures or apparatus
30 over, on or under such highway or public ground. [; and the tree
31 warden in any town or the authority may, if he or it finds that public
32 convenience and necessity require, authorize the cutting and trimming
33 and the keeping trimmed of any brush or tree in such town on or
34 overhanging such highway or public ground, which action shall be
35 taken only after notice and hearing as aforesaid, which hearing shall be
36 held within a reasonable time after the application therefor.]

37 (c) No telephone, electric or electric distribution company shall
38 exercise any powers which may have been conferred upon it to cut or
39 trim any tree on or overhanging any highway, utility right-of-way,
40 easement, utility clearance zone, public ground or any property on
41 which a tree or part of a tree is located, which may fall onto any utility
42 infrastructure, facilities or equipment as a result of any natural cause,
43 without (1) mailing written notice to the property owner of the
44 proposed area to be cut or trimmed, and (2) providing notice to the
45 Commissioner of Transportation and the tree warden of the
46 municipality in which such tree is located. The property owner where
47 such tree is located may file a written objection with the tree warden of
48 the municipality in which such owner resides not later than ten

49 business days after the mailing date of such notice. The tree warden
50 shall make a written determination as to the disposition of the tree not
51 later than ten business days after the filing date of such written
52 objection. The property owner or company may appeal the tree
53 warden's decision to the Public Utilities Regulatory Authority within
54 ten business days after the tree warden's decision. The authority shall
55 hold a hearing within sixty business days and shall provide notice of
56 such hearing to the property owner and company. If any proposed tree
57 to be cut or trimmed is owned by a municipality, the company shall
58 provide written notice to the tree warden of the municipality in which
59 such tree is located. If any proposed tree to be cut or trimmed is owned
60 by the state, the company shall provide direct written notice to the
61 Commissioner of Transportation. Such tree warden, in the case of a
62 municipally-owned tree, or said commissioner, in the case of a state-
63 owned tree, may file a written objection with the Public Utilities
64 Regulatory Authority not later than ten business days after the mailing
65 date of the notice. If an objection is filed, the Public Utilities Regulatory
66 Authority shall hold a hearing within sixty business days and shall
67 provide notice of such hearing to such tree warden or said
68 commissioner and the company. The Public Utilities Regulatory
69 Authority may, if it finds that public convenience and necessity
70 require, authorize the cutting and trimming of any tree in a
71 municipality, which action shall be taken only after notice and hearing
72 as aforesaid.

73 (d) No telephone, electric or electric distribution company shall be
74 required to provide notice under subsection (c) of this section if (1) any
75 part of a tree is in direct contact with an energized electrical conductor
76 or has visible signs of burning or if a customer requests the company
77 to cut or trim any tree on the property of such customer that poses a
78 threat to the electrical conductors, or (2) any tree cutting or trimming
79 removes any part of a tree inside the utility clearance zone, provided
80 such tree has a diameter not greater than twelve inches when
81 measured four and one-half feet above the ground. Such company may

82 cut other vegetation in a utility clearance zone.

83 (e) Each electric distribution company, in cooperation with the
84 municipalities in the service area of such company, shall establish a
85 program to identify hazardous trees. Each municipality shall (1)
86 establish minimum requirements to cut, trim or prune hazardous trees,
87 (2) provide notice to property owners of any existing hazardous trees
88 and any requirements to cut, trim or prune such hazardous trees, and
89 (3) establish enforcement provisions for the cutting, trimming or
90 pruning of any hazardous tree.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2013	16-234

Statement of Purpose:

To expand a utility company's ability to cut or trim trees on private, municipal or state property, to eliminate the consent requirement that such company must receive from a property owner to cut or trim trees, to require notification of tree cutting or trimming by such company to a property owner, and to create a process for such owners to file a written objection to such cutting or trimming.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]